

JOURNEY THROUGH HALLOWED GROUND NATIONAL
HERITAGE AREA ACT

APRIL 17, 2007.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. RAHALL, from the Committee on Natural Resources,
submitted the following

R E P O R T

together with

DISSENTING AND

ADDITIONAL DISSENTING VIEWS

[To accompany H.R. 319]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 319) to establish the Journey Through Hallowed Ground National Heritage Area, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Journey Through Hallowed Ground National Heritage Area Act”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Purposes.
- Sec. 4. Journey Through Hallowed Ground National Heritage Area.
- Sec. 5. Authorities and duties of management entity.
- Sec. 6. Approval or disapproval of management plan.
- Sec. 7. Provision of financial and technical assistance.
- Sec. 8. Duties of other Federal entities.
- Sec. 9. Sunset for grants and other assistance.
- Sec. 10. Private property and regulatory protections.
- Sec. 11. Use of Federal funds from other sources.
- Sec. 12. Authorization of appropriations.

SEC. 2. DEFINITIONS.

In this Act:

- (1) **HERITAGE AREA.**—The term “Heritage Area” means the Journey Through Hallowed Ground National Heritage Area.
- (2) **MANAGEMENT ENTITY.**—The term “management entity” means The Journey Through Hallowed Ground Partnership, a Virginia nonprofit corporation referred to in section 4(c), or its successor entity.
- (3) **MANAGEMENT PLAN.**—The term “management plan” means the management plan for the Heritage Area.
- (4) **PARTNER.**—The term “partner” means—
 - (A) a Federal, State, or local governmental entity; and
 - (B) an organization, private industry, or individual involved in promoting the conservation and preservation of the historical, cultural, and recreational resources of the Heritage Area.
- (5) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

SEC. 3. PURPOSES.

The purposes of the Journey Through Hallowed Ground National Heritage Area include—

- (1) to preserve, support, conserve, and interpret the legacy of the American history created along the Heritage Area;
- (2) to promote heritage, cultural and recreational tourism and to develop educational and cultural programs for visitors and the general public;
- (3) to recognize and interpret important events and geographic locations representing key developments in the creation of America, including Native American, Colonial American, European American, and African American heritage;
- (4) to recognize and interpret the effect of the Civil War on the civilian population of the Heritage Area during the war and post-war reconstruction period;
- (5) to enhance a cooperative management framework to assist the Commonwealth of Virginia, the State of Maryland, the Commonwealth of Pennsylvania, the State of West Virginia, and their units of local government, the private sector, and citizens residing in the Heritage Area in conserving, supporting, enhancing, and interpreting the significant historic, cultural and recreational sites in the Heritage Area; and
- (6) to provide appropriate linkages among units of the National Park System within and surrounding the Heritage Area, to protect, enhance, and interpret resources outside of park boundaries.

SEC. 4. JOURNEY THROUGH HALLOWED GROUND NATIONAL HERITAGE AREA.

(a) **ESTABLISHMENT.**—There is hereby established the Journey Through Hallowed Ground National Heritage Area.

(b) **BOUNDARIES.**—

(1) **IN GENERAL.**—The Heritage Area shall consist of the 175-mile region generally following the Route 15 corridor and surrounding areas from Adams County, Pennsylvania, through Frederick County, Maryland, including the Heart of the Civil War Maryland State Heritage Area, looping through Brunswick, Maryland, to Harpers Ferry, West Virginia, back through Loudoun County, Virginia, to the Route 15 corridor and surrounding areas encompassing portions of Loudoun and Prince William Counties, Virginia, then Fauquier County, Virginia, portions of Spotsylvania and Madison Counties, Virginia, and Culpepper, Rappahannock, Orange, and Albemarle Counties, Virginia. The boundaries of the Heritage Area shall include all of those lands and interests as generally depicted on the map titled “Journey Through Hallowed Ground National Heritage Area”, numbered P90/80,000, and dated October 2006.

(2) **MAP.**—The map referred to in paragraph (1) shall be on file in the appropriate offices of the National Park Service.

(c) **MANAGEMENT ENTITY.**—The management entity for the Heritage Area shall be The Journey Through Hallowed Ground Partnership, a Virginia nonprofit corporation.

(d) **BOARD OF TRUSTEES.**—The board of trustees of the management entity shall include representatives from a broad cross-section of the individuals, agencies, organizations, States, and governments that—

- (1) are partners of the management entity; and
- (2) will oversee the development and implementation of the management plan.

SEC. 5. AUTHORITIES AND DUTIES OF MANAGEMENT ENTITY.

(a) **AUTHORITIES OF THE MANAGEMENT ENTITY.**—

(1) **AUTHORITY TO ACCEPT FUNDS.**—The management entity may accept funds from any Federal source and from States and their political subdivisions, pri-

vate organizations, nonprofit organizations, or any other person to carry out its authorities and duties under this Act.

(2) USE OF FUNDS.—The management entity may use funds made available under this Act for purposes of preparing, updating, and implementing the management plan. Such purposes may include the following:

(A) Making grants to, and entering into cooperative agreements with, States and their political subdivisions, private organizations, non-profit organizations or any other person.

(B) Hiring and compensating staff.

(C) Entering into contracts for goods, services, and leases for office space.

(D) Undertaking any other initiatives that advance the purposes of the Heritage Area.

(b) MANAGEMENT PLAN.—The management entity shall develop a management plan for the Heritage Area that—

(1) presents comprehensive strategies and recommendations for conservation, funding, management, and development of the Heritage Area;

(2) takes into consideration existing State, county, and local plans and involves residents, public agencies, and private organizations working in the Heritage Area;

(3) includes a description of actions that units of government and private organizations and individuals have decided to undertake in furtherance of the purposes of this Act;

(4) specifies the existing and potential sources of funding to protect, support, manage, and develop the Heritage Area;

(5) includes an inventory of the natural, historical, cultural, architectural, scenic, and recreational resources in the Heritage Area that wish to be preserved, restored, supported, managed, developed, or maintained, because of the national historic significance of the resources;

(6) includes an analysis of ways in which local, State, and Federal programs may coordinate to promote the purposes of this Act; including recommendations from the Commonwealth of Virginia, the States of Maryland and West Virginia, and the Commonwealth of Pennsylvania (and political subdivisions thereof) for the management, protection, support, and interpretation of the natural, cultural, and historical resources of the Heritage Area;

(7) identifies appropriate partners and partnerships among Federal, State, and local governments, regional entities, and the private sector in furtherance of the purposes of the Act;

(8) includes locations for visitor contact and major interpretive facilities;

(9) includes provisions for appropriate living history demonstrations and battlefield reenactments;

(10) includes provisions for implementing a continuing program of interpretation for resident, student, and visitor education concerning the resources and values of the Heritage Area;

(11) includes provisions for a uniform historical marker and wayside exhibit program in the Heritage Area, including a provision for marking, with the consent of the owner, historic structures and properties that are contained within the historic core areas and contribute to the understanding of the Heritage Area;

(12) includes provisions for the protection and interpretation of the natural, cultural, and historic resources of the Heritage Area consistent with this Act; and

(13) includes provisions for the development of educational outreach programs for students of all ages to further the understanding of the vast resources within the Heritage Area.

(c) DEADLINE FOR SUBMISSION; PREREQUISITES.—

(1) DEADLINE.—The management entity shall submit the management plan to the Secretary not later than the end of the three-year period beginning on the date on which funds are first made available for this Act.

(2) PREREQUISITES.—Before submitting the management plan to the Secretary, the management entity shall ensure that—

(A) the Commonwealth of Virginia, the States of Maryland and West Virginia, the Commonwealth of Pennsylvania, and any political subdivision thereof that would be affected by the management plan, receives a copy of the management plan;

(B) adequate notice of availability of the management plan is provided through publication in appropriate local newspapers in the area of the Heritage Area;

(C) at least one public hearing is conducted by the management entity at a location within the Heritage Area in each congressional district in-

cluded in whole or in part in the Heritage Area to review and receive comments on the management plan; and

(D) a committee made up of elected officials of local governments within the boundaries of the Heritage Area, including mayors, town and county council chairs, and members of borough commissions and boards of supervisors, has had an opportunity to review, comment on, and approve (by majority vote) the management plan.

(d) **TERMINATION OF FUNDING.**—If a management plan is not submitted to the Secretary in accordance with subsection (c), the Secretary shall not, after the end of the period specified in such subsection, provide any grant or other assistance under this Act with respect to the Heritage Area until a management plan for the Heritage Area is submitted to the Secretary.

(e) **DUTIES OF MANAGEMENT ENTITY.**—The management entity shall—

(1) give priority to implementing actions set forth in the management plan;
(2) assist units of government, regional planning organizations, and nonprofit organizations in—

(A) establishing and maintaining interpretive materials and exhibits in the Heritage Area;

(B) developing historical and cultural resources and educational programs in the Heritage Area;

(C) increasing public awareness of and appreciation for the natural, historical, cultural, architectural, scenic, and recreational resources and sites in the Heritage Area;

(D) the restoration of any historic building relating to the themes of the Heritage Area;

(E) ensuring that clear signs identifying access points and sites of interest are put in place throughout the Heritage Area; and

(F) carrying out other actions that the management entity determines to be advisable to fulfill the purposes of this Act;

(3) encourage by appropriate means economic viability in the Heritage Area consistent with the purposes of this Act;

(4) consider the interests of diverse governmental, business, nonprofit groups, and individuals within the Heritage Area; and

(5) for any year in which Federal funds have been provided to implement the management plan—

(A) conduct public meetings at least annually regarding the implementation of the management plan;

(B) submit an annual report to the Secretary setting forth accomplishments, expenses and income, and each person to which any grant was made by the management entity in the year for which the report is made; and

(C) require, for all agreements entered into by the management entity authorizing expenditure of Federal funds by any other person, that the person making the expenditure make available to the management entity for audit all records pertaining to the expenditure of such funds.

(f) **PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.**—The management entity may not use Federal funds received under this Act to acquire real property or any interest in real property. No State or local subdivision of a State shall use any Federal funds received pursuant to this Act to acquire any interest in real property by condemnation or otherwise.

SEC. 6. APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.

(a) **TIME FOR CONSIDERATION; CRITERIA.**—The Secretary, in consultation with the Governors of the Commonwealth of Virginia, the States of Maryland and West Virginia, and the Commonwealth of Pennsylvania, shall approve or disapprove a management plan submitted under section 5 not later than 180 days after receiving the plan. In considering the plan, the Secretary shall take into consideration the following criteria:

(1) The extent to which the management plan, when implemented, would adequately preserve, support and protect the significant historical, cultural and recreational resources of the Heritage Area.

(2) The level of public participation in the development of the management plan.

(3) The extent to which the board of trustees of the management entity is representative of the local governments affected and a wide range of interested organizations and citizens.

(b) **ACTION FOLLOWING DISAPPROVAL.**—If the Secretary disapproves a management plan, the Secretary shall advise the management entity in writing of the reasons for the disapproval and shall make recommendations for revisions in the man-

agement plan. The Secretary shall approve or disapprove a proposed revision within 180 days after the date it is submitted.

(c) **APPROVING CHANGES.**—The Secretary shall review and approve or disapprove any amendment to the management plan that would make a substantial change to the management plan, as determined by the Secretary. The review and approval or disapproval of an amendment shall be conducted in the manner provided under subsections (a) and (b). Funds appropriated under this Act may not be expended to implement the changes made by such an amendment unless and until the Secretary approves the amendment.

(d) **AVAILABILITY OF ANNUAL REPORTS.**—The management entity shall post each annual report prepared under section 5(e)(5)(B) on a website maintained by the management entity.

SEC. 7. PROVISION OF FINANCIAL AND TECHNICAL ASSISTANCE.

(a) **OVERALL ASSISTANCE.**—Upon the request of the management entity and subject to the availability of appropriations, the Secretary may provide technical and financial assistance to the management entity to carry out its duties under this Act, including updating and implementing the management plan and, prior to approval of the management plan, providing assistance for initiatives.

(b) **TECHNICAL ASSISTANCE.**—If the Secretary has the resources available to provide technical assistance to the management entity to carry out its duties under this Act, including updating and implementing the management plan and, prior to approval of the management plan, providing assistance for initiatives, the Secretary shall provide such assistance upon the request of the management entity. Technical assistance provided under this subsection shall be provided on a reimbursable basis, except that this subsection does not preclude the Secretary from providing non-reimbursable assistance under subsection (a).

(c) **PRIORITY.**—In assisting the management entity, the Secretary shall give priority to actions that assist in—

- (1) the implementation of the management plan;
- (2) the provision of educational assistance and advice regarding management of the significant historic resources of the region;
- (3) the development and application of techniques promoting the preservation of cultural, recreational and historic properties;
- (4) the preservation, restoration, and reuse of publicly and privately owned historic buildings;
- (5) the design and fabrication of a wide range of interpretive materials based on the management plan, including, among other things, guide brochures, visitor displays, audio-visual, books, interpretive dialogues, interactive exhibits, and educational curriculum materials for public education; and
- (6) the implementation of initiatives prior to approval of the management plan.

(d) **MATCHING FUNDS.**—As a condition of providing financial assistance under this section to the management entity, the Secretary shall require the recipient to provide matching funds in an amount equal to the amount of the financial assistance provided by the Secretary. Recipient matching funds—

- (1) shall be derived from non-Federal sources; and
- (2) may be made in the form of in-kind contributions of goods and services fairly valued.

SEC. 8. DUTIES OF OTHER FEDERAL ENTITIES.

Any Federal entity conducting or supporting activities directly affecting the Heritage Area shall—

- (1) consult with the Secretary and the management entity with respect to such activities;
- (2) cooperate with the Secretary and the management entity in carrying out their duties under this Act and, to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and
- (3) to the maximum extent practicable, conduct or support such activities in a manner that the management entity determines shall not have an adverse effect on the Heritage Area.

SEC. 9. SUNSET FOR GRANTS AND OTHER ASSISTANCE.

The Secretary may not make any grant or provide any other financial assistance under this Act after the expiration of the 15-year period beginning on the date that funds are first made available for this Act.

SEC. 10. PRIVATE PROPERTY AND REGULATORY PROTECTIONS.

Nothing in this Act—

(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the National Heritage Area;

(2) requires any property owner to permit public access (including access by Federal, State, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State, or local agency, including but not limited to the authority of Federal, State, or local governments to make safety improvements or increase the capacity of existing roads or to construct new roads, or conveys any land use or other regulatory authority to any local coordinating entity;

(4) authorizes or implies the reservation or appropriation of water or water rights;

(5) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the National Heritage Area; or

(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

SEC. 11. USE OF FEDERAL FUNDS FROM OTHER SOURCES.

Nothing in this Act shall preclude the management entity from using Federal funds available under Acts other than this Act for the purposes for which those funds were authorized.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Subject to subsection (b), there are authorized to be appropriated to carry out this Act not more than \$1,000,000 for any fiscal year. Funds so appropriated shall remain available until expended.

(b) **LIMITATION ON TOTAL AMOUNTS APPROPRIATED.**—Not more than \$10,000,000 may be appropriated to carry out this Act.

PURPOSE OF THE BILL

The purpose of H.R. 319 is to establish the Journey Through Hallowed Ground National Heritage Area in Pennsylvania, Maryland, Virginia and West Virginia.

BACKGROUND AND NEED FOR LEGISLATION

National Heritage Areas are locally-driven projects which conserve and interpret historic and cultural resources through coordinated efforts by federal, state and local governmental entities as well as private parties. The Department of the Interior, acting through the National Park Service, provides limited matching funds and technical assistance to a designated local entity responsible for coordinating management of the area. Heritage areas require Congressional authorization and must have completed a study, acceptable to the Secretary of the Interior, supporting designation. To date, Congress has approved 37 national heritage areas.

H.R. 319 would establish a new national heritage area spanning parts of Pennsylvania, Maryland, West Virginia and Virginia. Specifically, the new area would include 175 miles of “historic transportation routes” beginning at Gettysburg National Military Park and generally following Route 15 through Pennsylvania and Maryland and Route 20 through Virginia. The heritage area would also loop into West Virginia to include Harper’s Ferry.

According to the study commissioned by the proposed management entity, the heritage area would encompass eight homes of former U.S. Presidents, the largest concentration of Civil War bat-

tlefields in the country, 13 National Historic Landmarks and 2 World Heritage Sites, among other resources.

COMMITTEE ACTION

H.R. 319 was introduced January 5, 2007, by Representative Frank Wolf (R-VA). The bill was referred to the Committee on Natural Resources. On March 7, 2007, the Committee met to consider the bill. National Parks, Forests and Public Lands Subcommittee Chairman Raúl Grijalva (D-AZ) offered an amendment in the nature of a substitute to conform sections in the bill as introduced regarding property rights to legislation approved by the Senate.

Representative Jeff Flake (R-AZ) offered two amendments to the Grijalva amendment. An amendment identified as “Flake A” prohibiting the use of federal funds received by the heritage area for lobbying was not agreed to by a roll call vote of 15 to 22 as follows:

Committee on Natural Resources
U.S. House of Representatives
110th Congress

Date: March 7, 2007

Convened: 1:37

Adjourned: 3:15

Meeting on: Markup of HR 319 - Amendment offered by Mr. Flake (A) to the Grijalva amendment in the Nature of a Substitute was not agreed to by roll call vote of 15 yeas, and 22 nays.

☑Recorded Vote

Vote # 1

Total: Yeas: 15

Nays: 22

MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
Mr. Rahall, WV		✓		Mr. Fortuño, PR	✓		
Mr. Young, AK	✓			Mrs. Bordallo, VI		✓	
Mr. Miller, CA		✓		Mrs. McMorris Rodgers, WA			
Mr. Saxton, NJ				Mr. Costa, CA		✓	
Mr. Markey, MA				Mr. Jindal, LA	✓		
Mr. Gallegly, CA				Mr. Boren, OK		✓	
Mr. Kildee, MI		✓		Mr. Gohmert, TX	✓		
Mr. Duncan, TN				Mr. Sarbanes, MD		✓	
Mr. DeFazio, OR		✓		Mr. Cole, OK			
Mr. Gilchrest, MD	✓			Mr. Hinchey, NY		✓	
Mr. Falcomavaega, AS				Mr. Bishop, UT	✓		
Mr. Calvert, CA	✓			Mr. Kennedy, RI		✓	
Mr. Abercrombie, HI				Mr. Shuster, PA	✓		
Mr. Cannon, UT				Mr. Kind, WI		✓	
Mr. Ortiz, TX				Mr. Heller, NV	✓		
Mr. Tancredo, CO				Mrs. Capps, CA		✓	
Mr. Pallone, NJ		✓		Mr. Sali, ID	✓		
Mr. Flake, AZ	✓			Mr. Inslee, WA		✓	
Mrs. Christensen, VI		✓		Mr. Lamborn, CO	✓		
Mr. Renzi, AZ	✓			Mr. Mark Udall, CO		✓	
Mrs. Napolitano, CA		✓		Mr. Baca, CA		✓	
Mr. Pearce, NM	✓			Ms. Solis, CA		✓	
Mr. Holt, NJ		✓		Ms. Herseth, SD			
Mr. Brown, SC	✓			Mr. Shuler, NC		✓	
Mr. Grijalva, AZ		✓					
				Total	15	22	

Markups - 1/3 to meet (16), 25 to report
March 28, 2007 (10:55am)

An amendment identified as “Flake B” prohibiting any federal funds for implementation of this act was offered and withdrawn.

Representative Stevan Pearce (R–NM) also offered an amendment to the Grijalva amendment. An amendment identified as “Pearce .021” requiring individualized notice to all private property owners within the heritage area was not agreed to by a vote of 15 to 22 as follows:

Committee on Natural Resources
U.S. House of Representatives
110th Congress

Date: March 7, 2007

Convened: 1:37

Adjourned: 3:15

Meeting on: Markup of HR 319 - Amendment offered by Mr. Pearce. 021 to the Grijalva amendment in the Nature of a Substitute was not agreed to by roll call vote of 15 yeas, and 22 nays.

☐Recorded Vote

Vote # 2

Total: Yeas: 15

Nays: 22

MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
Mr. Rahall, WV		✓		Mr. Fortuño, PR	✓		
Mr. Young, AK	✓			Mrs. Bordallo, VI		✓	
Mr. Miller, CA		✓		Mrs. McMorris Rodgers, WA			
Mr. Saxton, NJ				Mr. Costa, CA		✓	
Mr. Markey, MA				Mr. Jindal, LA	✓		
Mr. Gallegly, CA				Mr. Boren, OK		✓	
Mr. Kildee, MI		✓		Mr. Gohmert, TX	✓		
Mr. Duncan, TN				Mr. Sarbanes, MD		✓	
Mr. DeFazio, OR		✓		Mr. Cole, OK			
Mr. Gilchrest, MD	✓			Mr. Hinchey, NY		✓	
Mr. Faleomavaega, AS				Mr. Bishop, UT	✓		
Mr. Calvert, CA	✓			Mr. Kennedy, RI		✓	
Mr. Abercrombie, HI				Mr. Shuster, PA	✓		
Mr. Cannon, UT				Mr. Kind, WI		✓	
Mr. Ortiz, TX				Mr. Heller, NV	✓		
Mr. Tancredo, CO				Mrs. Capps, CA		✓	
Mr. Pallone, NJ		✓		Mr. Sali, ID	✓		
Mr. Flake, AZ	✓			Mr. Inslee, WA		✓	
Mrs. Christensen, VI		✓		Mr. Lamborn, CO	✓		
Mr. Renzi, AZ	✓			Mr. Mark Udall, CO		✓	
Mrs. Napolitano, CA		✓		Mr. Baca, CA		✓	
Mr. Pearce, NM	✓			Ms. Solis, CA		✓	
Mr. Holt, NJ		✓		Ms. Herseth, SD			
Mr. Brown, SC	✓			Mr. Shuler, NC		✓	
Mr. Grijalva, AZ		✓					
				Total	15	22	

Markups - 1/3 to meet (16), 25 to report
March 28, 2007 (10:55am)

The amendment in the nature of a substitute offered by Subcommittee Chairman Grijalva was then agreed to by voice vote. The bill as amended was then ordered favorably reported to the House of Representatives by voice vote.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title; table of contents

Section 1 entitles the bill the “Journey Through Hallowed Ground National Heritage Area Act” and includes a table of contents.

Section 2. Definitions

Section 2 defines the terms used in this Act.

Section 3. Purposes

Section 3 establishes the purposes of the heritage area. These purposes include preservation and promotion of historic resources as well as enhanced cooperation between states, units of local government and private entities.

Section 4. Journey Through Hallowed Ground National Heritage Area

Section 4(a) establishes the heritage area and section 4(b) defines its boundaries. Section 4(c) identifies the Journey Through Hallowed Ground Partnership as the area’s management entity. Section 4(d) includes requirements for membership on the board of trustees of the management entity.

Section 5. Authorities and duties of the management entity

Section 5 outlines the authorities and duties of the management entity including the authority to accept funds from specified sources and use funds for specified purposes. Section 5 also details requirements for development and approval of the area’s management plan. Section 5(f) specifically prohibits the management entity from using federal funds to acquire real property.

Section 6. Approval or disapproval of the management plan

Section 6 establishes a procedure for approval of the area’s management plan, including a process to amend the plan should it be disapproved by the Secretary.

Section 7. Provision of technical and financial assistance

Section 7 authorizes the Secretary to provide technical and financial assistance to the management entity, contingent on provision of an equal amount of matching funds from the management entity.

Section 8. Duties of other federal entities

Section 8 requires any federal agency conducting or supporting activities which directly affect the heritage area to consult with the management entity and to cooperate with the Secretary to avoid adverse effects to the area, to the maximum extent practicable.

Section 9. Sunset for grants and other assistance

The authority to make grants or to provide other financial assistance under this Act expires 15 years after the date funds are first made available for this Act.

Section 10. Private property and regulatory protections

Section 10 specifies that nothing in this act abridges the rights of any property owner within the area or requires any owner to permit public access to private property. Section 10 also establishes that H.R. 319 does not alter any duly adopted land use regulation or other regulatory authority of any federal, state or local agency or imply or authorize the reservation or appropriation of any water rights. Finally, Section 10 makes clear that nothing in this Act diminishes State authority over fish and wildlife nor creates any liability under any other law of any private property owner with respect to any person injured on private property.

Section 11. Use of Federal funds from other sources

Section 11 specifically allows the management entity to use federal funds made available under other acts.

Section 12. Authorization of appropriations

Section 12 authorizes not more than \$1 million for any fiscal year, not to exceed \$10 million total, to carry out this Act.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to establish the Journey Through Hallowed Ground National Heritage Area.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 319—Journey Through Hallowed Ground National Heritage Area Act

Summary: H.R. 319 would establish the Journey Through Hallowed Ground National Heritage Area (NHA) along the corridor from Gettysburg, Pennsylvania, to Charlottesville, Virginia. The bill would designate the Journey Through Hallowed Ground partnership as the local coordinating entity for the proposed NHA. The partnership would be responsible for developing and implementing a management plan to develop, restore, and maintain the NHA.

The legislation would authorize the appropriation of \$10 million, not to exceed \$1 million annually, for financial assistance to the partnership over the next 15 years. CBO estimates that implementing H.R. 319 would cost \$5 million over the 2008–2012 period, with additional amounts spent after 2012. Enacting H.R. 319 would have no effect on revenues or direct spending.

H.R. 319 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on State, local, or tribal governments.

Estimated Cost to the Federal Government: The estimated budgetary impact is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—				
	2008	2009	2010	2011	2012
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated Authorization Level	1	1	1	1	1
Estimated Outlays	1	1	1	1	1

Basis of Estimate: Assuming appropriation of the authorized amounts, CBO estimates that implementing H.R. 319 would cost \$5 million over the 2008–2012 period and \$10 million over the following five to 10 years. Such amounts would be used to cover a portion of the costs of planning, establishing, operating, and interpreting the heritage area.

Intergovernmental and private-sector impact: H.R. 319 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on State, local, or tribal governments.

Estimate prepared by: Federal Costs: Tyler Kruzich; Impact on State, local, and tribal governments: Marjorie Miller; Impact on the Private Sector: Tyler Kruzich.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 865 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) of rule XXI.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

DISSENTING VIEWS ON H.R. 319

We oppose H.R. 319 in its current form. Moreover, we are dismayed at the cavalier and partisan manner the Majority used to report it from Committee during our first mark-up of the 110th Congress. Hopefully, this is not a harbinger of how the Committee will operate during the next two years.

H.R. 319's predecessor, H.R. 5195, was introduced late in the 109th Congress by Mr. Wolf. The Subcommittee on National Parks' September 28, 2006 legislative hearing was unusually contentious with very divergent testimony from sponsor Mr. Wolf and Mr. Bartlett whose district contains a significant portion of the proposed heritage area. The principal disagreement concerned property rights which Mr. Bartlett felt needed stronger protections in the legislation.

These strong differences persisted into the 110th Congress. Mr. Wolf introduced H.R. 319, which is essentially identical to his previous bill. Mr. Bartlett introduced his own version of the Journey Through Hallowed Ground Heritage Area, H.R. 1270, which is vastly different from the Wolf bill and has a stronger emphasis on protecting property rights, more diverse board representation on the management entity and deleted all references to federal funding. Mr. Bartlett wrote Chairman Rahall and other Committee Members requesting a hearing on his legislation. Normally, such a reasonable and customary Member request is honored but not in this case. This is very surprising since the Chairman told Committee Members during the February 7, 2007 Natural Resources Committee organizational meeting that he intended to follow "regular order" during the 110th Congress which historically means holding subcommittee hearings and mark-ups on legislation. Moving this bill which is opposed by Mr. Bartlett, and whose district is affected, is a dangerous precedent that we hope will not be repeated.

Unfortunately, the very reasonable and modest private property rights protections contained in H.R. 319, and included in the authoring legislation of the last twelve national heritage areas, were emasculated by the Grijalva Substitute.

However, Committee Republicans offered two amendments to the Grijalva Substitute to make it friendlier to private landowners and advocates of local control. Unfortunately, both were defeated on party line votes of 15-22.

Mr. Flake offered an amendment merely restating current federal law (18 USC, 1819), that bans lobbying by those receiving federal funds. The amendment is appropriate and warranted because we have seen examples of federal agencies and non-profit groups using federal funds to lobby. It seeks to prevent the National Park Service and heritage area management entities from influencing local zoning and land use controls on private property. The Flake

amendment would have reinforced this committee's commitment to transparency, responsibility, and accountability of those who come to this body for significant financial authorizations.

The second amendment, offered by Mr. Pearce required written notification of private property owners located within the boundaries of the heritage area before the management plan could be submitted to the Secretary of the Interior for approval. This amendment was quickly dismissed by the majority as an unreasonable request. Additionally, the Chairman of the National Parks, Forests and Public Lands Committee, Mr. Grijalva rejected the amendment because, as he stated, "the ability for the public to opt in or opt out of the heritage area is already present in the underlying substitute." Unfortunately, there is no "opt in" language in the substitute offered by Congressman Grijalva, and his amendment struck the "opt out" language.

Previous to this Congress, the work of this committee had ensured that private property owners within a heritage area could remove their land from the boundary of the designation and prohibited the management entity from preserving, conserving, or promoting one's property without the written consent of the owner. Those safeguards were deleted by the Grijalva Substitute purportedly because they could create problems for the management entity. Property rights should never be dismissed merely because they could be an inconvenience. With the elimination of these protections from the bill as introduced, the notification amendment would have provided property owners the right, at a minimum, to know what the federal government will place over them.

Although we oppose H.R. 319 in its current form, we are hopeful there will be a free and open debate on the House Floor with opportunities to consider again the Flake and Pearce Amendments.

ROB BISHOP.
 STEVAN PEARCE.
 DOUG LAMBORN.
 DEAN HELLER.
 BILL SALI.
 JOHN DUNCAN.
 BOBBY JINDAL.
 ELTON GALLEGLY.
 CATHY MCMORRIS RODGERS.
 HENRY BROWN.
 BILL SHUSTER.
 JEFF FLAKE.
 RICK RENZI.
 CHRIS CANNON.
 KEN CALVERT.

ADDITIONAL DISSENTING VIEWS

All National Heritage Areas deserve scrutiny by the members of the House Natural Resources Committee. Since 1984, when the first National Heritage Area (the Illinois and Michigan Canal National Heritage Area) was passed by Congress, the practice of designating National Heritage Areas has grown exponentially. More than twenty years later, 37 National Heritage Areas exist. In the last Congress, nearly 50 bills were introduced to designate or study designating new National Heritage Areas. The new majority has approved, within the first markup of the Natural Resources Committee, two more National Heritage Areas. Eleven National Heritage Area bills have already been introduced in the House within the first three months of the new Congress.

There are many reasons to be skeptical of National Heritage Areas. First, and foremost, is the question of federal spending. According to the Congressional Research Service, National Heritage Areas are “intended to promote local economic development as well as to protect natural and cultural heritage resources and values.” Protecting natural and cultural heritage aside (which state, local and private entities can already do), the federal government does not have a responsibility to promote the local economy of any district.

In addition, once a federal line is drawn around property for a heritage area, the door for annual federal earmarks and grants is opened. 24 of these heritage areas were listed in the FY 2007 Interior Appropriations bill as line items, each receiving hundreds of thousands of taxpayer dollars. In addition, a new White House federal grant initiative entitled “Preserve America” doled out nine federal grants to projects in National Heritage Areas. I am sure these grants will only continue and expand to all 37 existing heritage areas.

I challenge any member of the committee to ask themselves if \$700,000 for the Silos and Smokestacks National Heritage Area sounds like a rationale expenditure of federal tax dollars when we have a huge deficit and vast maintenance backlogs in our parks and forests, not to mention ongoing conflicts abroad to fund.

In addition, the management entity designated to manage the Journey Through Hallowed Ground National Heritage Area received \$1 million in federal funding in the form of an earmark in the transportation bill in 2005 before the organization was officially registered as a non-profit and before the heritage area was created. The entity, the Journey Through Hallowed Ground Partnership, has raised significant private funds. It does not need scarce federal dollars to accomplish its stated goals.

As the record will show, I offered an amendment to H.R. 319 that would have restricted the federal funds received by the organization so that those funds could not be used for federal, state or local

lobbying. Disappointingly, the amendment was rejected on a party-line vote.

Another important point is the effect these designations have on private property rights. When the federal government draws a federal line around private property, negative impacts on the private property owner will always result. Injecting the federal government into the lives of property owners in Virginia and Maryland in the form of a heritage area designation is just wrong. At a minimum, the committee should have included language in the bill guaranteeing private property owners protection from the National Park Service, or a proxy management entity, in local zoning and land use decisions.

JEFF FLAKE.

